

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

RLI INSURANCE COMPANY,

Plaintiff,

v.

NEXUS SERVICES INC.,  
LIBRE BY NEXUS INC.,  
HOMES BY NEXUS INC.,

Defendants.

Case No.: 5:18CV00066-MFU-JCH

SUPPLEMENTAL NOTICE RELATED TO  
CONTEMPT PROCEEDINGS

**SUPPLEMENTAL NOTICE RELATED TO CONTEMPT PROCEEDINGS**

Defendants, NEXUS SERVICES, INC., LIBRE BY NEXUS, INC., and HOMES BY NEXUS, INC. (collectively, "Nexus"), files this Supplemental Notice Related to Contempt Proceedings held on February 14, 2023 (ECF 823), and state the following:

1. On or about March 15, 2023, Nexus provided RLI Insurance Company ("RLI") with a new login to the Egnyte platform, containing previously ordered document production. Nexus also arranged a discussion with RLI to explain the voluminous contents of the production and discuss next steps.
2. On March 16, 2023, the parties conferred, and RLI stated that the production was deficient and did not meet the Court's order. RLI requested several specific documents and further answers to their interrogatories.
3. On March 24, 2023, Nexus provided RLI with additional documents and interrogatory responses in accordance with RLI's March 16 request. These documents and responses were uploaded to the Egnyte platform.

4. On March 28, 2023, parties' counsel conferred again via conference call, and RLI stated that the production remained deficient. RLI requested a "clean" copy of Nexus's 2019 tax returns and documents related to the transfer of ownership.
5. On March 30, 2023, Nexus followed up by sending RLI the additional documents requested; however, Nexus confirmed that the requested documents were already included in the production and responses provided via the Egnyte platform.
6. Nexus has proposed that RLI review the document production to identify any items they believe to be deficient. Nexus will respond within two business days to any request for clarification or further production. Nexus believes it has made a full production but is willing to work with RLI to provide additional information and answer questions as RLI reviews the production.
7. Nexus respectfully updates the Court on the parties' positions and submits this notice of its diligent attempts to come into and remain in compliance of the Court's orders, including working with RLI to identify any possible deficiencies in the document production. Nexus commits to respond to any and all production related requests from RLI within two business days. Given the size and volume of production, it is possible that RLI may need additional time navigating the large production or may have clarifying questions or requests, and Nexus remains committed to assisting RLI in review and curing any perceived deficiencies.
8. Nexus has committed to RLI that they will, , continue to cooperate as RLI examines the full production.
9. Counsel for Plaintiff has indicated they plan to file an oppositional response to this notice. To the extent Plaintiff makes Nexus aware of any inadequacies of what Nexus believes is a full production of documents and records in its possession, Nexus plans to rectify any

deficiencies or assist Plaintiff in locating the documentation within the production already made.

10. Nexus believes that it has fully produced all documents requested and provided responses to all discovery requests and feels a duty to notify the Court of this production. Nexus is confident that after a thorough review of the production, Nexus has purged contempt in this Court.

Respectfully submitted this 30<sup>th</sup> day of March 2023,

/s/ CHRISTOPHER M. OKAY

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I certify that on this 30th day of March, 2023, a copy of the foregoing was filed via CM/ECF, which will send a notification of such filing to all counsel of record.

By: \_\_\_\_\_

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